

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

RANDY KOONTZ and SAMI SAID,

Plaintiffs,

v.

CHAPLAIN WILLIAM HOOPS,
et al.,

Defendants.

Case No. 3:07-CV-1777

(Judge Kosik)

ORDER

NOW, this 6th day of FEBRUARY, 2008, IT APPEARING TO THE COURT THAT:

(1) Plaintiffs, Randy Koontz and Sami Said, filed the instant civil rights action pursuant to *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) on September 28, 2007;

(2) The plaintiffs filed the action on behalf of themselves and all other Jewish and Muslim inmates similarly situated in the Bureau of Prisons for various violations of religious rights;

(3) The matter was assigned to Magistrate Judge Malachy E. Mannion;

(4) Upon initial review of the complaint, the Magistrate Judge directed each plaintiff to file a separate amended complaint setting forth any claims of personal injury as a result of the defendants' actions on or before December 27, 2007. Plaintiffs were advised that failure to follow the directives of the court would result in a recommendation that their action be dismissed;

(5) On January 14, 2008, the Magistrate Judge issued a Report and Recommendation recommending that the action be dismissed in that neither plaintiff filed

an amended complaint in compliance with the court's previous order and neither plaintiff requested an extension of time in which to do so;

(6) No objections have been filed to the Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a Magistrate Judge's report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987);

(8) Having considered the Magistrate Judge's Report, we agree with the recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated January 14, 2008 (Document 16) is **ADOPTED**;

(2) The above-captioned action is **DISMISSED**; and,

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge